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2153

03500.016061

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Y. Barqadle
NAOKI TSUCHITOI)
: Group Art Unit: 2153
Application No.: 10/023,747)
: Filed: December 21, 2001)
: For: INFORMATION)
MANAGEMENT APPARATUS, :
DEVICE CONTROL)
APPARATUS, :
INFORMATION)
MANAGEMENT METHOD, :
AND MEMORY MEDIUM)
STORING PROGRAM : Monday, December 5, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action dated November 4, 2005, Applicant provisionally elects Group I, namely, Claims 1 to 10, 21 to 30, 41 to 50 and 54. This election is made with traverse.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on

December 5, 2005
(Date of Deposit)

Frank L. Cire, Reg. No. 42,419
(Name of Attorney for Applicant)

Signature

December 5, 2005
Date of Signature

An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

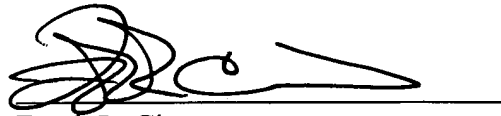
"The term 'distinct' means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art)." MPEP § 802.01. In this regard, Applicant respectfully submit that the claims of Groups I and II are generally directed to the field of art concerning management of external processing devices. Accordingly, two-way distinctness is not seen to be present among the claims of Groups I and II. MPEP § 806.05(c).

Even if Groups I and II are considered to be independent or distinct inventions, which Applicant does not admit to be the case, the search and examination of all pending claims of Groups I and II can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Groups I and II are all directed to the field of art concerning management of external processing devices. Accordingly, Applicant respectfully submits that concurrent search and examination of all claims of Groups I and II can be made without serious burden.

Based on the foregoing remarks, Applicant respectfully submits that the restriction requirement is improper and therefore request reconsideration and withdrawal of the restriction requirement, and the concurrent examination of all currently-pending claims of Groups I and II.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank L. Cire', is written over a horizontal line.

Frank L. Cire
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